

**UNITED DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA**

HARVE JOHNSON,
Petitioner

v.

JOHN E. WETZEL, Secretary
Designee, Pennsylvania
Department of Corrections;
LOUIS FOLINO, Superintendent
of the State Correctional
Institution at Greene; and
MARIROSA LAMAS,
Superintendent of the State
Correctional Institution at
Rockview,

Respondents

CIVIL ACTION NO. 3:13-01666

(JUDGE MANNION)

THIS IS A CAPITAL CASE

ORDER

AND NOW, this 6th day of March, 2014, for the reasons set forth in the accompanying memorandum, **IT IS HEREBY ORDERED THAT:**

1. This capital habeas corpus proceeding is **DISMISSED without prejudice.**
2. The Clerk of Court shall **CLOSE** this case.
3. There is no basis for the issuance of a certificate of appealability.

See 28 U.S.C. §2253(c).

s/ *Malachy E. Mannion*
MALACHY E. MANNION
United States District Judge